

HONORABLE JUDGE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

L.B. and M.B., on behalf of their minor
child A.B., and on behalf of similarly
situated others; L.B.; M.B., C.M. and
A.H., on behalf of their minor child
J.M., and on behalf of similarly situated
others; C.M.; and A.H.,

Plaintiffs,

vs.

PREMERA BLUE CROSS,

Defendant.

Case No. 2:23-cv-00953-TSZ

**DECLARATION OF GWENDOLYN C.
PAYTON IN SUPPORT OF DEFENDANT
PREMERA BLUE CROSS' REPLY IN
SUPPORT OF MOTION FOR SUMMARY
JUDGMENT**

**NOTE ON MOTION CALENDAR: MARCH
14, 2025**

Pursuant to 28 U.S.C. § 1746, I, Gwendolyn C. Payton, hereby declare as follows:

1. I am an attorney with Kilpatrick Townsend & Stockton LLP in Seattle, Washington. I am counsel of record for Defendant Premera Blue Cross ("Premera"). I have personal knowledge of the facts set forth in this declaration.

2. This declaration is filed in support of Defendant Premera Blue Cross' Reply in Support of its Motion for Summary Judgment, filed herewith.

3. Attached as **Exhibit 1** is a true and correct copy of excerpts from the deposition transcript of Neil Kaneshiro, M.D., taken on April 26, 2024.

4. Attached as **Exhibit 2** is a true and correct copy of excerpts from the deposition transcript of Robert Small, M.D., taken on April 22, 2024.

5. Attached as **Exhibit 3** is a true and correct copy of the transcript from the Ninth Circuit January 15, 2025 oral argument in *C.P., et al. v. Blue Cross Blue Shield of Illinois*, Case No. 23-04331.

6. Attached as **Exhibit 4** is a true and correct copy of named Plaintiff J.M.'s Explanation of Benefits, produced as AB_PRE00011780 – AB_PRE00011791.

7. Attached as **Exhibit 5** is a true and correct copy of the Final Judgment rendered on November 25, 2024, in *Noe v. Parson*, No. 23AC-CC04530 (Circuit Court of Cole County, MS).

8. Attached as **Exhibit 6** is a true and correct copy of Executive Order No. 14,187, titled "Protecting Children from Chemical and Surgical Mutilation," dated Jan. 28, 2025.

9. Attached as **Exhibit 7** is a true and correct copy of the Memorandum Opinion and Order dated February 14, 2025, in *Pflag, Inc. v. Trump*, No. 8:25-cv-00337-BAH (D. Maryland).

10. Attached as **Exhibit 8** is a true and correct copy of the World Health Organization's Frequently Asked Questions (FAQ), dated June 20, 2024.

11. Attached as **Exhibit 9** is a true and correct copy of the American Society of Plastic Surgeons's statement to the press regarding gender surgery for adolescents, dated August 14, 2024.

12. Attached as **Exhibit 10** is a true and correct copy of Premera's Medical Policy No. 5.01.625, dated February 7, 2025, produced as AB_PRE00011818 – AB_PRE00011842.

13. Attached as **Exhibit 11** is a true and correct copy of the American Academy of Pediatrics's statement regarding gender-affirming care policy, dated August 4, 2023.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

DATED this 26th day of February 2025, at Seattle, Washington.

/s/ Gwendolyn C. Payton
Gwendolyn C. Payton

CERTIFICATE OF SERVICE

I certify that on the date indicated below I caused a copy of the foregoing document, DECLARATION OF GWENDOLYN C. PAYTON IN SUPPORT OF DEFENDANT PREMIERA BLUE CROSS' REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT to be filed with the Clerk of the Court via the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following attorneys of record:

Eleanor Hamburger Daniel S. Gross SIRIANNI YOUTZ SPOONEMORE HAMBURGER 3101 WESTERN AVENUE STE 350 SEATTLE, WA 98121 206-223-0303 Fax: 206-223-0246 Email: ehamburger@sylaw.com dgross@sylaw.com	<input checked="" type="checkbox"/> by CM/ECF <input type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery
Omar Gonzalez-Pagan Kell L Olson Nicholas Hite Sasha J Buchert LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC 120 WALL STREET 19TH FLOOR NEW YORK, NY 10005 646-307-7406 Email: ogonzalez-pagan@lambdalegal.org kolson@lambdalegal.org nhite@lambdalegal.org sbuchert@lambdalegal.org	<input checked="" type="checkbox"/> by CM/ECF <input type="checkbox"/> by Electronic Mail <input type="checkbox"/> by Facsimile Transmission <input type="checkbox"/> by First Class Mail <input type="checkbox"/> by Hand Delivery <input type="checkbox"/> by Overnight Delivery

DATED this 26th day of February, 2025.

Kilpatrick, Townsend & Stockton LLP

By: /s/ Gwendolyn C. Payton
 Gwendolyn C. Payton, WSBA #26752

Counsel for Premera Blue Cross